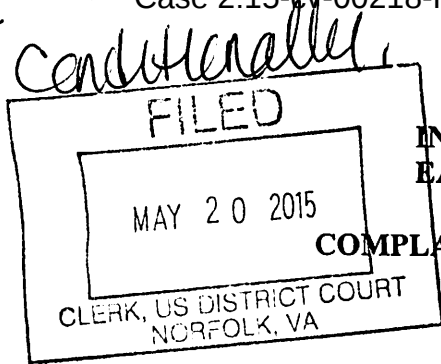


Jackson (N)



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

2:15CV218

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

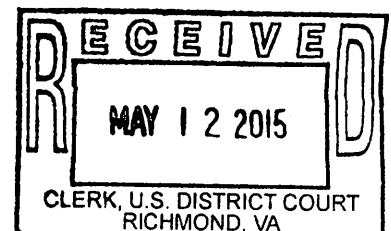
1. (a) Leonardo Medina (b) 28155380  
(Name) (Inmate number)
- (c) FCI Phoenix  
(Address)  
37910 N. 45th Ave  
Phoenix, Az 85086

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Shane McMahon (b) Lawyer  
(Name) (Title/Job Description)
- (c) Federal Public Defender  
(Address)  
700 E. San Antonio Ave  
Suite 401  
El Paso, Texas 79901



2. (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Name) (Title/Job Description)

(c) \_\_\_\_\_  
(Address)

\_\_\_\_\_

3. (a) \_\_\_\_\_ (b) \_\_\_\_\_  
(Name) (Title/Job Description)

(c) \_\_\_\_\_  
(Address)

\_\_\_\_\_

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

**Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.**

## II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [ ] No ☒

B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county):

\_\_\_\_\_

3. Date lawsuit filed: \_\_\_\_\_

4. Docket number: \_\_\_\_\_

5. Name of Judge to whom case was assigned: \_\_\_\_\_

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?) :

### III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

B. Does the institution listed in "A" have a grievance procedure? Yes [ ] No [ ]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [ ] No [ ]

2. If so, where and when: \_\_\_\_\_

3. What was the result? \_\_\_\_\_

4. Did you appeal? Yes [ ] No [ ]

5. Result of appeal: \_\_\_\_\_

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [ ] No [X]

If your answer is Yes, what steps did you take? \_\_\_\_\_

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: First, I didn't know I can make a complaint on my former lawyer; Secondly I had no access to any forms, computer or any documentations refer to make a complaint. There was limitations to follow that kind of procedures.

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Dec  
2013  
Federal  
Court  
House  
El Paso  
Texas

I told you, how they entrapped me when I had a profile on Craigslist. It said, I'm looking for a Bonita Mami, ages 18-31, I'm 6 ft 190 lbs, light skin, light brown hair and eyes, I'm puerto rican and mexican with my El Paso number, I phone 4 Verizon. When I was locked up at the downtown jail; I found out that Home Land Security looked and checked on profiles and do stings! I was listening and talking to Lockhart and Mike who was with me in downtown jail; that Home Land Security do stings on Craigslist. I even told you that they looked me up with my phone number and they found out I have a sex offence charge and they lured me in the entrapment!

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Plus, they contact me first with a 13 old  
decoy name Elsa, Agent Joel Hernandez.  
Furthermore, when I went to court in  
December, agent Joel Hernandez said  
he looks for signs for criminal activity  
and my profile had an indications. You tell  
me where in my profile says that!  
Furthermore, I didn't bond out because  
they saw a dismissal charge of Aggravate  
Sexual Assault of a minor. In the begining  
of 2006 they tried to charge me with  
that when I got arrested on Nov 17, 2005.  
How can they charge me with that if I  
never met the uncover cop; they finally  
charge me with on-line solicitation a  
minor.

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

You can see the dates on the dismissal.

I truly believe that they put that want  
be charge so I can have a really bad  
record. My state charge was done on a  
computer: no assault, no victim or under  
cover cop. Furthermore, you told me that  
this was your first case like this!

2.) When I went to the conference meeting  
in Feb 2014, El Paso, Texas; it's your job  
to be there with me and your investigator.  
They took advantage of me knowing that  
you was not there for me, Home Land  
Security. They looked at your investigator  
as she was nothing, not a lawyer

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

3) When I went to court on May 01, 2014; they wanted to give me 20 years straight time (Superceded) 10 years state time and 10 years federal time! You told me that they said I lied; I didn't because your investigator was there next to me in Feb conference meeting 2014. I told you if I lied why they didn't told me right there or call you, notify you the next day or the latest next week. From Feb 2014 conference meeting to the day you was going to see the judge so I can get 70 months; that suppose to be May 02, 2014. They said that breach my contract; that was a lie! You told me that they have to show you the new

Federal  
Court  
House  
El Paso  
Texas

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

discovery because I had more victims;  
which I know they had nothing to show!  
Furthermore, you told me that they  
have 10 days to show you and me the  
new discovery. Well 10 days past and  
you didn't show or told me nothing about it.  
I knew it, it was a lie and no proof!

- 4.) In May 2014, El Paso County Jail on Montana  
rd. I was really upset that my cell phone  
was not present in Feb 2014 conference  
meeting because the proof was in the  
cell phone. In addition, Agent Medina  
IT Specialist from Home Land Security  
added that false information to his laptop



#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

so it appeared it came from my cellphone.  
I told you about this many times! I got  
arrested on Nov 13, 2013 so he planted  
that phony profile between Nov 14, 2013  
around the second week of Feb 2014  
before the first conference meeting. I  
even told you that I can sue home land  
Security for tampering with evidence;  
you told me, I know you can. I told you  
to get an IT Specialist (Computer) so  
that individual can verify on Agent Medina's  
lab top on that phony profile. You sent  
me an IT Specialist from your department  
like in two weeks (May 2014); he was  
no use for me, didn't care (attitude)!

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

I explained to him everything what I  
told you. He said it was a bad communication  
between me and the prosecutor. The  
prosecutor told me in military language  
"I square you away!" That means I will  
take care of you. I said to myself "he's  
a sorry individual!" The IT Specialist  
that you sent me!

5.) I gave you permission to inform my wife  
what's going on with my case; you never  
inform my wife in my situation!

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

- 6.) In May 2014, you came to visit me in  
El Paso County Jail on Montana Road; I  
told you how can they have two "KIK"  
messenger applications turned on at the  
same time! The original "KIK" messenger  
on my I phone 4 Verizon was never  
logged off. On the I phone, you cannot  
have two the same application turned  
on at the same time!
- 7.) In June 11, 2014, Federal Court House,  
El Paso, Texas; I went to the second  
conference meeting. The prosecutor knew  
that I know they had false information  
of me and they tamper with evidence;

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

the prosecutor dropped from 20 years  
(Supercede) to 15 years just doing 85  
percent.

8.) In June 2014 second conference

Federal  
Court  
House  
El Paso  
Texas

meeting, the prosecutor told me he's going  
to give me 15 years because he forgot I  
have a previous sex offence charge already.  
You came to see me in Feb 2014 before the  
first conference meeting; you told me the  
prosecutor will offer me 70 months if  
I identify who are the individuals on my  
Iphone. Also, the prosecutor will not charge  
me with a state charge (10 years registor  
as a sex offender); if I agree to his  
terms (Breach of Contract). I said O.K.  
I do it!

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

9.) In June 21, 2014, second conference meeting

Federal  
Court +  
House  
El Paso  
Texas

the prosecutor told me in front of my face,  
you (lawyer) and your investigator; that him,  
Agent Medina and the female agent from  
Home Land Security, heard me said "No  
that's not mine!" three times which I  
said "Yes, I guess so." I know the investigator  
felt shameful because she knows I was  
telling the truth. Plus, agent Medina was  
very specific on the last data (profile). When  
I saw the profile; I was puzzle about it  
so I said "Yes, I guess so." During the  
conference, Agent Joel Hernandez from  
Home Land Security said it was a "KT K"  
messenger which I knew he was lying;

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

because you can't have two KIK messenger  
application turned on at the same time. Back  
in May 2014, I realized it was a phony profile  
because they wanted to give me 20 years.  
They said "I broke the contract; that was  
alie! They wanted me to say "No that's  
not mine" so they can say "we got it from  
your I phone!" What happened to the third  
agent female from Home Land Security;  
who was at the second conference meeting. I  
told you this that if we can get her and  
testify in my behalf that I didn't lie but  
you didn't do nothing about it.

10.) How come my cell phone was not in the

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

present in both conference meeting in Feb  
and June 2014 because the truth was in the  
cell phone and that phony KIK messenger  
(application) was not in my cell phone. I told  
you this already and you still didn't do  
nothing about it.

El Paso  
Texas

- 11.) When I went to Federal Court on 11 June 2014;  
I asked you about if I can get time off for  
taking the sex offender program? You step  
out of the court and returned about 5  
minutes; you said I will not get any time off  
from my sentence. You also told me that  
if I take the program and if they see  
me if I'm a threat; I would get more

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

years to my sentence. Why would you tell  
me something like that? Since, I have  
been in Phoenix, Az; no one told me I  
had to sign up for the sex offender  
program. I had to voluntary to sign for  
it. Furthermore, you told me a lie about  
getting more time for taking the program  
if I'm a threat. It is a rehabilitation  
program like the drug program here where  
I'm at.

- 12.) On June 11, 2014 plea agreement it's was  
being recorded; the judge asked if they  
want to seal my case? The prosecutor  
didn't care; you said yes my client does

Federal  
Court  
House  
El Paso  
Texas



#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

because I wrote you a letter stating; I  
want my conviction sealed! Since I have  
been here (Dec 12, 2014) in Jan 2015, Phoenix,  
Az, I talked to my case manager and  
she verify and told me that my conviction  
was not sealed!

13.) On June 11, 2014 plea agreement it's  
being recorded; the prosecutor was telling  
the judge about my case it was 13 year  
female, Elsa, was an undercover agent  
Home Land Security Joel Hernandez. When  
your investigator came to see me at Sierra  
Blanca, Texas; she gave me the P.S.I.  
Pre screening investigation and it said

Federal  
Court  
House  
El Paso  
Texas

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

14 years old female. It also said it was Sealed  
on the P.S.T. Furthermore, I would not  
get my iPhone 4 Verizon back; because they  
know I was telling the truth so they can  
get rid of the evidence. The laptop of  
Agent Medina from Home Land Security  
also holds the truth; you can format the  
hard disk but the evidence is still there!  
I was studying Information Technology  
and Paralegal at El Paso Community  
College. The truth is in his laptop  
which has a sticker of "L3.Com!"

- 14.) If the phone is destroy, lost or gone;  
I told you the proof was in the iPhone

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

and that phony "KIK" messenger (application)  
was not in my cell phone. That data was  
inputted by IT Specialist Medina lab  
top from Home Land Security. He tamper  
with evidence and gave false information,  
data.

15.) You never gave the judge my letters from  
my family and friends that would show I  
have support. You told me that the judge  
don't look at them.

16.) On Oct 31, 2014 sentence, you told me not  
to say nothing on my behalf because the  
judge was mad'. The judge asked me, if

Federal  
Court  
House  
El Paso  
Texas

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

I have anything to say; I said no your  
honor. You was very nervous why? Because  
God and I know the truth what happened  
to me!

17.) On Oct 31, 2014 sentence, when it was all  
over; you told me congrats that I would  
be going to a Federal Medical Camp (FMC)  
and shook my hand. Right now, I'm at a  
medium high camp in Phoenix, Az. You know  
I'm 100% disable Iraqi Veteran for Post  
Traumatic Stress Disorder. I don't  
think the judge know about it. Plus, I  
tried to commit suicide twice on Oct  
31, 2005 when I came back from Iraq

Federal  
Court  
House  
El Paso  
Texas

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

and on Oct 01, 2007; it was on my P.S.I.  
report but I guess it didn't matter.

Correctional  
Institution  
Sierra Blanca  
Texas 18.)

I wrote you a letter and my wife call  
you about my electronic items (in my  
apartment) return to me, because these  
items was not involved in my case. You told  
my wife when she call you that these  
items was involved with my case. My  
wife told you it was not; you got nervous  
and said "I check on it." You didn't do  
nothing about it and I lost my items:  
\$  
brand new PC 520-, 2 broken lab tops,  
broken play station, camera, close circuit  
camera with 4 camera and touch screen

#### IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

monitor. Furthermore, what happen to my silver chain, medallion and two silver bracelets? when I got arrested and never anything about them?

19.) You didn't help me out like you suppose to "Code of Ethics" take care of your client which you failed plus you knew how they were screwing me over!

20.) These are thoughts, I keep in my mind how can people play with our lives and it upset me great dearly and you never really help me out like you suppose to! I know for sure "God" who is the truth ->

Judge and He saw everything that happened to me in my case! He will "Judge" all those who persecute me in this unrighteous matter!

## V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. L.M. (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

\_\_\_\_ Award money damages in the amount of \$ \_\_\_\_\_

\_\_\_\_ Grant injunctive relief by Hold him accountable for not taking care of his client; since I got a federal  
\_\_\_\_ Other record now; he should have a record on  
his performance, American Bar Association.

## VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Correctional Institution (Immigration)  
401 S. Vaquero Ave, Sierra Blanca, Texas 79851  
(915) 369-2270

FCI Phoenix  
37910 N. 45th Ave  
Phoenix, AZ 85086

## VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

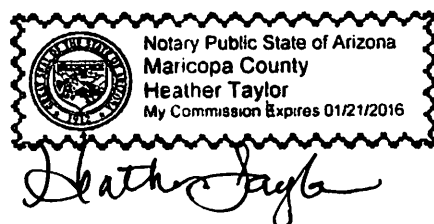
Do you consent to proceed before a U.S. Magistrate Judge: Yes [ ☐ ] No [ ☐ ]. You may consent at any time; however, an early consent is encouraged.

## VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 06 day of May, 2015.

Plaintiff Leonardo Medina f Medina







**DEPARTMENT OF VETERANS AFFAIRS**

**Waco Regional Office  
One Veterans Plaza  
701 Clay Avenue  
Waco, Texas 76799**

**Leonardo Medina**

**VA File Number  
145 68 9224**

**Represented by:  
DISABLED AMERICAN VETERANS**

**Rating Decision  
September 20, 2011**

**INTRODUCTION**

The records reflect that you are a veteran of the Gulf War Era. You served in multiple periods in the Army from April 22, 1992 to April 21, 1997, from May 27, 1999 to May 26, 2002, from April 10, 2003 to July 10, 2003 and from August 19, 2004 to November 13, 2005. You filed a new claim for benefits for nonservice-connected pension that we received on June 24, 2010 and a new claim for service-connection that was received on July 20, 2010. Based on a review of the evidence listed below, we have made the following decision(s) on your claim.

**DECISION**

- ★ Service connection for posttraumatic stress disorder is granted with an evaluation of 100 percent effective July 10, 2010. You are found competent for VA purposes.